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December 11, 2007

DOCKET FILE COPY ORIGINAL

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, NE
Suite 110
Washington, D.C. 20002

FILED/ACCEPTED

DEC 11 2007

Federal Communications Commission
Office of the Secretary

RE: Opposition to Motion for Ruling on Objections by Avatar Enterprises, Inc.; EB Docket No. 07-197

Dear Madame Secretary:

Enclosed for filing on behalf of parties Kurtis J. Kintzel, Keanan Kintzel, and all other Entities by which they do business before the Federal Communications Commission, is the original and 6 copies of the Opposition to the Motion for Ruling on Objections by Avatar Enterprises, Inc., in the above-referenced matter.

Sincerely,

Catherine Park, Esq.

Catherine Park, Esq.

Enclosures: Original + 6 Copies

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CTC

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Kurtis J. Kintzel, Keanan Kintzel, and all)
Entities by which they do business before the)
Federal Communications Commission)

Resellers of Telecommunications Services)

To: Presiding Officer (Richard L. Sippel,)
Chief ALJ)

EB Docket No. 07-197

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Federal Communications Commission
Office of the Secretary

**OPPOSITION TO ENFORCEMENT BUREAU'S MOTION FOR RULING ON
OBJECTIONS BY KURTIS J. AND KEANAN KINTZEL TO REQUESTS FOR
ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**

Kurtis J. and Keanan Kintzel, by and through their undersigned counsel, hereby submit this Opposition to the Enforcement Bureau's Motion for Ruling on Objections, Etc. The parties submit that they have answered the Bureau's Requests for Admission as directed by 47 C.F.R. § 1.246(b), which requires the party to answer or to object to the requests, and if an objection is interposed, to state the basis for its objection. The parties' objection is based on the law of limited liability. *See, e.g.,* Answers, Kurtis J. Kintzel. A shareholder generally cannot be held liable for corporate obligations without piercing the corporate veil. *See, e.g., Vuitch v. Furr*, 482 A.2d 811, 815 (D.C. 1984). Piercing the corporate veil is an extraordinary remedy, used only in exceptional cases to remedy fraud or injustice. *See, e.g., Dole Food Co. v. Patrickson*, 538 U.S. 468, 475 (2003); *see, e.g., Labadie Coal Co. v. Black*, 672 F.2d 92, 97-99 (D.C. Cir. 1982). The Order to Show Cause does not allege fraud or injustice, or any other justification for veil-

piercing under existing law. *See Order.* For that reason, Kurtis J. and Keanan Kintzel are not "proper subjects of requests for admission," to use the Bureau's parlance from the Motion for Ruling on Objections. Mot., p. 2.

In view of the foregoing, Kurtis J. and Keanan Kintzel submit that they have answered the Bureau's Requests for Admission as directed by 47 C.F.R. § 1.246(b), and that the Bureau's Motion for Ruling on Objections should be denied.

Respectfully Submitted,

Catherine Park

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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent for filing on this 11th day of December 2007, by hand delivery, to the following:

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, NE
Suite 110
Washington, D.C. 20002

And served by U.S. Mail, First Class, on the following:

Richard L. Sippel, Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, SW, Room 1-C861
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Hillary DeNigro, Chief
Michele Levy Berlove, Attorney
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